



Housing Policy and Practices Advisory Group Non-Vacant and Small Sites Subcommittee Notes

February 26 Meeting Notes

Participating Members: Duane Bay (ABAG), Lynne Martinez (Western Center on Law and Poverty), Janet Ruggiero (APA), Ruby Maldonado (CSAC), Kendra Harris (League of Cities), Deb Collins (public Interest Law Project), Cesar Covarrubias (Kennedy Commission)

Staff: Tom Brinkhuis

Issue Areas Discussed:

- Underutilized sites listed in the housing element cycle after cycle, may indicate they are not really available for development
- Local government representatives would like list of criteria HCD considers when reviewing analysis, along with analysis examples in order to provide more guidance.
- Include a case study on the building blocks website: Show a real world example of different strategies that have worked to develop an affordable housing project on non-vacant sites.
- HCD should give additional consideration (perhaps require?) incentives not just for sites to be developed with residential uses, but affordable housing specifically. (overlay zones, gradual density increases for lot consolidation, etc.)
- HCD should put emphasis for incentives for affordable housing, including timely adoption and implementation of programmatic actions.
- There is a question on whether owner interest should be a factor in determining if a site is suitable.
 - Business, owners, conditions change
 - Not realistic to try to determine owner intent
- It may be helpful to include examples that show what doesn't work:
 - Examples not demonstrating best practices
 - describe factors that make a site non-adequate
 - cautionary examples could illustrate issues with certain strategies

- Most of the group is supportive of minimum criteria (safe harbor). Some ideas for criteria include.
 - Priority development areas (PDA's) could be a factor in determining a safe harbor, particularly if it has led to an entitled specific plan with CEQA clearance and allow residential development by-right
 - Reuse more likely in PDA area (possible tie-in with local or regional programs that encourage?)
 - Sites eligible for existing CEQA streamlining (Infill, TOD) could be considered safe harbor and deemed adequate
 - Reservations for using safe harbor for sites identified for lower income need
 - Must have very high bar for safe harbor to ensure the sites are feasible and their potential for development is realistic
- On small sites: Jurisdictions can use small sites for single-family/duplexes that are affordable to lower-income – make counting these sites/projects easier
- Possible safe harbor criteria:
 - program to develop/encourage development of small sites/non-vacant sites
 - TCAC scoring as factor in determining if a site qualifies for safe harbor
- Could degree of reliance on non-vacant/small sites help determine the extent of analysis that is necessary? For example, tier approach, 25% or less reliance = minimal analysis. 50% or more requires thorough analysis.

March 30th and April 4th Meeting Notes

Participating Members: Duane Bay (ABAG), Janet Ruggiero (APA), Colby Cataldi (CSAC, Orange County), Ruby Maldonado (CSAC, Orange County) Kendra Harris (League of Cities), Cesar Covarrubias (Kennedy Commission), Lynn Martinez (Western Center of Law and Poverty) Deb Collins (Public Interest Law Project)

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Discussion:

- Group reached agreement that HCD expand building blocks technical assistance items to include case studies and real world examples showing different strategies for utilizing non-vacant and small sites in the housing element, including sample programs that would be appropriate to include given the strategy. Case studies should include urban, suburban, and rural areas.
- Each site should be evaluated independent of the previous housing element cycle.
- Group did not reach consensus relating to the proposal that the analysis of development trends should include factors such as trend for market rate or affordable, for-sale vs. rental, and contributing factors to these trends such as incentives,
- Group agreed that timely adoption, i.e. within three years of the housing element, of regulatory incentives and programs to facilitate development of non-vacant and small sites is important and necessary when an element relies on non-vacant and small sites in the element.
- Group agreed that if element identifies non-vacant and small sites to accommodate lower income housing needs the element contain program or programs to encourage development of those sites for lower income housing.
- If owner interest/intent on a site is known to locality, then this information must be disclosed to HCD.
- No consensus reached on safe harbor for non-vacant and underutilized sites. Housing advocates are not in favor of safe harbor. Some think that a narrow set of criteria for safe harbor could be possible, with factors such as by-right development on site or eligibility for CEQA streamlining being possible part of the criteria. Other criteria could include Tax Credit scoring or site capacity.
- HCD should increase technical assistance and include case studies that show how local governments have used the housing element to link to the SCS and move implementation forward locally.